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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,412	07/07/2003	Jack I. J'Maev	JJ-037-US	7952

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INTELLECTUAL PROPERTY DEVELOPMENT
JACK IVAN J'MAEV
14175 TELEPHONE AVE.
SUITE L
CHINO, CA 91710

EXAMINER	
FISHER, MICHAEL J	
ART UNIT	**PAPER NUMBER**
3629	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/615,412	J'MAEV, JACK I.	
	Examiner	Art Unit	
	Michael J. Fisher	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *13 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,7,24 and 29-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,611,201 to Bishop et al. (Bishop).

As to claim 1, Bishop discloses a method for receiving a specific product recall notice (col 15, lines 62-65), receiving a signal that includes a single product identifier for a group of one or more products (model, col 16, lines 15-17) and a recall notice identifier (recall information, col 16, lines 34-38), providing an indication to a user (col 16, lines 20-24) when the identifier corresponds to a particular vehicle (col 16, lines 16-19). Bishop further teaches recording in a substantially permanent manner, at a computer remote from the product, that the recall notice was received (col 16, lines 40-42).

Bishop does not, however, specifically teach recording a time value reflecting time of day, system time or a date or the specifics of the recall notice. Bishop does, however, teach storing the value for dispute resolution (col 16, lines 42-48). It would have been obvious to one of ordinary skill in the art to include date, time and specifics of the recall notice so the sender of the recall notice would have proof as to when the recall notice was sent and the information contained therein else a vehicle owner could deny that the recall notice was received at that time or for that specific recall else the dispute could not be resolved.

As to claim 7, it would be inherent that saving a time value would include a time-beacon (the timer in the processor).

As to claim 24, the system is integral (figure of auto in fig 1), sensing a specific recall notice signal, (col 15, lines 62-65), selectively responding (col 16, lines 16-18), the match being the VIN number (col 16, line 16). Bishop does not, however, teach storing the notice identifier of the specific recall notice. Bishop does, however, teach storing the value for dispute resolution (col 16, lines 42-48). It would have been obvious to one of ordinary skill in the art to include specifics of the recall notice so the sender of the recall notice would have proof as to the information contained therein else a vehicle owner could deny that the recall notice was received for that specific recall else the dispute could not be resolved. It further would be obvious to store a textual description of the recall in order to resolve disputes.

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop as applied to claims 1 above, and further in view of US PAT 5,442,553 to Parrillo.

Bishop discloses a system and method as discussed.

As to claims 29, Bishop does not, however, teach a power-down circuit for powering down the receiver at times other than during a specific time-slot.

Parrillo teaches a system for sending notices to vehicles (fig 1) that includes a specific time slot for sending messages (col 4, lines 65-68). The examiner takes Official Notice that it is old and well known in the art to only use receivers and transceivers at

set times in order to save power (such as done by Parrillo). Therefore, it would have been obvious to one of ordinary skill in the art to use specific time-slots to send and receive messages to save power.

As to claim 30, as discussed above, Bishop does not, however, specifically teach recording a time value reflecting time or a date. Bishop does, however, teach storing the value for dispute resolution (col 16, lines 42-48). It would have been obvious to one of ordinary skill in the art to include date and time so the sender of the recall notice would have proof as to when the recall notice was sent else a vehicle owner could deny that the recall notice was received at that time and the dispute could not be resolved.

As to claim 31, Bishop teaches transmitting an acknowledgement signal (col 16, lines 38-40).

Claims 32-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop as applied to claims 1,7,24 and 29-31 above, and further in view of US PAT 6,611,755 to Coffee et al. (Coffee).

Bishop discloses a method and system as discussed above.

As to claims 32,41,38, Bishop does not, however, teach sending and receiving signals only during time slots.

Coffee teaches a system for fleet management (title) in which signals are transmitted to vehicles via a wireless network (fig 1) during a series of time slots (abstract, lines 17-22). The receivers would inherently not respond if the signal is not in the time slot.

It would have been obvious to one of ordinary skill in the art to modify the system as taught by Bishop with the time-slot transmission as taught by Coffee as Coffee teaches this as a good way to send information to mobile assets.

As to claim 33, Bishop teaches storing in memory that a recall signal notice has been received (col 16, lines 42-45).

As to claims 34,35, as discussed above, Bishop does not, however, specifically teach recording a time value reflecting time or a date. Bishop does, however, teach storing the value for dispute resolution (col 16, lines 42-48). It would have been obvious to one of ordinary skill in the art to include date and time so the sender of the recall notice would have proof as to when the recall notice was sent else a vehicle owner could deny that the recall notice was received at that time and the dispute could not be resolved.

As to claim 36, Bishop discloses indicating that the notice has been received (both by saving it, as discussed above, and by triggering the relays that notify the user).

As to claim 37, Bishop does not teach storing the textual description. It would have been obvious to one of ordinary skill in the art to include a textual description of the recall notice so the sender of the recall notice would have proof as to the information contained therein else a vehicle owner could deny that the recall notice was received for that specific recall else the dispute could not be resolved. It further would be obvious to store a textual description of the recall in order to resolve disputes.

As to claims 39,40, Coffee further discloses periodic time slots (fig 9).

As to claims 42,43,44 choosing which time slots for which vehicles would be a matter of obvious design choice and therefore, would not be patentably distinct.

Response to Arguments

Applicant's arguments filed 11/13/06 have been fully considered but they are not persuasive. As to arguments that the prior art does not teach an identifier that corresponds to a description of the recall, this is taught. As discussed, Bishop provides "recall information", which would include an identifier that corresponds to a description of the recall as there is a recall notice and it is recorded that the recall notice is received. The Bishop reference specifically mentions sending "recall information" (col 16, lines 36 and 37) and not just a recall notice. The examiner is reading the term "corresponds" in its broadest possible meaning, as is incumbent on the examiner to do so. Therefore, any recall notice inherently 'corresponds' to the specific recall for which it is sent, thereby meeting the limitations as claimed. The examiner disagrees that information must be pre-programmed in the Bishop reference. For instance, in column 1, lines 57-62, Bishop specifically states that the system will "deliver information to/from a vehicle." Applicant has stated repeatedly, in written correspondence and in the multiple interviews that Bishop only sends pre-programmed signals and not information but has not stated exactly where in the Bishop this negative limitation is disclosed. As Bishop repeatedly mentions sending "information" and even explicitly discusses the ability to "deliver messages" to the vehicle (abstract, lines 18-20). Further, as discussed above, as the notice identifier of the instant application merely "corresponds" to a

description of a product, the claims of the instant application would not preclude merely sending pre-programmed signals as this limitation does not claim that the actual textual description is sent. The examiner disagrees that the statement about storing the recall notice is "ambiguous", it specifically states that it will be stored to resolve disputes, it would appear obvious nearly to the point of inherency that a date and time would be stored else it would not be very useful in resolving a dispute as the recipient could merely state that the notice was received after a problem occurred and therefore, would not be useful in resolving the dispute. As to arguments in relation to the time beacon, the claim does not claim that the time beacon ensures that the clock is synchronized, it merely claims that there is a time beacon in the signal, which term is very broad and the examiner is not reading it as the applicant appears to want. The examiner would like to note that, as discussed above in relation to the time beacon and the manner of signals, the applicant is arguing limitations that are simply not included in the claims. As discussed in previous rejections and in the multiple interviews, Parrillo is analogous art in that it discusses sending signals to vehicles. The manner of the signals would not preclude the use of Parrillo especially as the content of the signals are non-functional data that are not used in any way in the instant application, they are merely sent and received. As to arguments in relation to claims 32-44, merely asserting patentability is not argument and thus, will be addressed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Fisher

Patent Examiner
GAU 3629

MF
1/8/07